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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 ANDRE A. BRELAND, }  
8 Plaintiff, }  
9 v. }  
10 MICHAEL BOBADILLA et al., }  
11 Defendants. }  
12 \_\_\_\_\_ )

3:15-cv-138-RCJ-WGC

**ORDER**

13 **I. DISCUSSION**

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
15 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed  
16 an application to proceed *in forma pauperis*. (ECF No. 1, 1-1). The Court dismisses this case  
17 with prejudice. Plaintiff admits that he filed another complaint alleging the same facts as the  
18 instant complaint in *Breland v. Jenkins*, 3:14-cv-664-RCJ-VPC and that he is awaiting  
19 disposition in that case. (See ECF No. 1-1 at 9). To the extent that Plaintiff is attempting to  
20 raise different claims in this complaint based on the same factual allegations alleged in the  
21 3:14-cv-664-RCJ-VPC complaint, Plaintiff may not initiate a completely new lawsuit. Instead,  
22 Plaintiff must amend his pleading in the 3:14-cv-664-RCJ-VPC case. See Fed. R. Civ. P.  
23 15(a).

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the application to proceed *in forma*  
26 *pauperis* (ECF No. 1) is denied as moot.

27 IT IS FURTHER ORDERED that the Clerk of the Court shall file the complaint (ECF No.  
28 1-1).

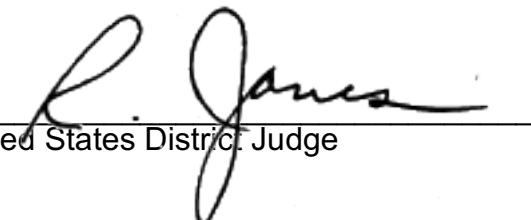
IT IS FURTHER ORDERED that the complaint is dismissed in its entirety with prejudice.

1 IT IS FURTHER ORDERED that Plaintiff shall file any change of claims with respect  
2 to the set of factual allegations alleged in this case's complaint (ECF No. 1-1) in an amended  
3 complaint in case 3:14-cv-664-RCJ-VPC.

4 IT IS FURTHER ORDERED that Plaintiff shall not file any more documents in this case.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
6 accordingly.

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8 Dated this 25th day of June, 2015.

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11 United States District Judge  
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